

Dated: 8/31/2018



**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

IN RE:)	
)	
DAVID DEWAYNE KEESEE,)	Case No. 3:18-bk-3800
)	Chapter 13
Debtor,)	Judge Randal S. Mashburn
)	by interchange

**ORDER DENYING WITHOUT PREJUDICE
MOTION TO ANNUL AUTOMATIC STAY AND RATIFY FORECLOSURE**

This matter is before the Court upon Planet Home Lending, LLC's ("Movant") "Motion to Ratify Foreclosure Sale and Annul Automatic Stay Under 11 U.S.C. § 362(d)." A hearing was conducted on August 29, 2018, and included stipulations, exhibits admitted into evidence, and the testimony of a witness. The Court also considered all oral and written arguments of counsel. At the end of the hearing the Court announced its ruling from the bench in support of its decision to deny without prejudice Movant's motion.

The Court found Movant had failed to carry its burden of proof to annul the stay, and that ratification of a foreclosure sale is not an available remedy by motion in the current procedural posture of the case. The Court's ruling in no way affects the pending adversary proceeding (3:18-ap-90140), and nothing in the Court's ruling is intended to be preclusive as to any related issues that may arise in that adversary proceeding or in connection with stay relief, confirmation or other matters in the bankruptcy case. The statements by the Court are hereby incorporated by reference as if set forth fully herein and constitute the Court's findings and conclusions pursuant to Bankruptcy Rule 7052, as made applicable to this contested matter by Bankruptcy Rule 9014.

Accordingly, Movant's Motion to Ratify Foreclosure Sale and Annul Automatic Stay Under 11 U.S.C. § 362(d) is DENIED.

IT IS SO ORDERED.

This Order has been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.
United States Bankruptcy Court.